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PATENT TRADEMARK OFFICE

Patent  
Case No.: 56352US002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TERMINAL DISCLAIMER  
APPROVED

MAR 14 2003

First Named Inventor: CARPENTER, BARRY S.

Application No.: 09/911,950

Group Art Unit: 2874

TECHNOLOGY CENTER 2800  
SPECIAL PROGRAM CENTER

Filed: July 24, 2001

Examiner: Scott A. Knauss

Title: PACKAGED OPTICAL MICRO-MECHANICAL DEVICE

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(b)Commissioner for Patents  
Washington, DC 20231

## CERTIFICATE OF TRANSMISSION

To Fax No.: 703-746-8514

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent  
and Trademark Office on:

MARCH 03 2003

Date

Signed by: Kathleen M. Murray

Dear Sir:

Petitioner, 3M Innovative Properties Company, a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, MN, represents that it is the exclusive owner of the entire interest in the above-identified application (the "Subject Application") by virtue of an Assignment recorded at Reel 012049, Frame 0543, on July 24, 2001. Petitioner further represents that it is the exclusive owner of the entire interest in a pending second Application No. 09/911,951, filed July 24, 2001, (the "Second Application") by virtue of an Assignment recorded at Reel 012049, Frame 0532, on July 24, 2001. As used herein, "Subject Patent" refers to a patent granted on the Subject Application, and "Second Patent" refers to a patent granted on the Second Application.

Petitioner disclaims the terminal part of any Subject Patent which would extend beyond the expiration date of the full statutory term, as defined in 35 USC §§ 154 to 156 and 173 and as shortened by any terminal disclaimer filed prior to the grant of any Second Patent, of any Second Patent. Petitioner hereby agrees that any Subject Patent shall be enforceable only for and during such period that the legal title to such patent and any Second Patent are commonly owned. This

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agreement is to run with any Subject Patent and shall be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any Subject Patent that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of any Second Patent, as shortened by any terminal disclaimer filed prior to the grant of such Second Patent, in the event such Second Patent: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321 after grant; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to the grant of such Second Patent.

Documents establishing the chain of title of the Subject Application and of the Second Application (including the aforementioned assignments and recording locations) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 CFR § 1001 and that such willful false statements may jeopardize the validity of the Subject Application or any patent issuing thereon.

Please charge the fee provided in 37 CFR § 1.20(d) and, if necessary, charge any additional fees or credit any overpayment to Deposit Account No. 13-3723. One copy of this sheet marked duplicate is also enclosed.

Respectfully submitted,

3 March, 2003

Date

By:

Scott A. Bardell, Reg. No.: 39,594

Telephone No.: (651) 736-6935

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833

RENEE PRESTON *R. Preston*  
PARALEGAL SPECIALIST  
TECHNOLOGY CENTER 2800